UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/919,391 | 07/31/2001 | Gregory P. Fitzpatrick | BOC9-2000-0084(219) | 3428 |

40987 7590 10/16/2008

AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

| EXAMINER | |
|---|---|
| DANIEL JR, WILLIE J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/16/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/919,391 | FITZPATRICK ET AL. | |
| | Examiner | Art Unit | |
| | WILLIE J. DANIEL JR | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,8 and 9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8 and 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on 01 July 2008. **Claims 1 and 8-9** are now pending in the present application and **claims 2-7 and 10-22** are cancelled. This office action is made **Final**.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.

**Claims 1 and 8-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al**. (hereinafter Rignell) (**US 5,818,920**) in view of **Labban** (**US 6,574,486 B1**), **Brisebosis et al**. (hereinafter Brisebois) (**US 6,853,711 B2**), **Seppo** (**GB 2284965 A**), and **Wang et al**. (hereinafter Wang) (**US 6,934,543 B2**).

Regarding **claim 1**, Rignell discloses a method for providing an originating party of a call or message (e.g., call) with information local to a receiving party of the call or message (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to originate a call or a message from the originating party (e.g., subscriber A) to a receiving terminal (C) which reads on the claimed "device" of the receiving party (e.g., subscriber C) (see col. 5, lines 5-21);

prompting the originating party to decide whether or not to receive information local to the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that

one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

upon the originating party deciding to receive the information local to the receiving party, sending a request for the local information to a service provider of the receiving party from a service provider of the originating party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request and information is provided via the system as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

retrieving the information local to said receiving party (C) by the service provider of the receiving party (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device and information is provided via the system,

wherein said local information comprises a current time, date, and location (e.g., time zone or geographic area) of said receiving handheld device (C) and information indicating whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range and where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth as

evidenced by the fact that one of ordinary skill in the art would clearly recognized (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4);

querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

supplying the retrieved local information to the originating party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C),

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query; prompting the sending party to select an appropriate action among available actions upon receiving the local information of the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information,

wherein the available actions include connecting the call or message to the receiving party, sending the call or message to a voicemail (e.g., answering machine) or mail box of the

receiving party, and disconnecting the call or message (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

See MPEP § 2144.04(III). [In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)…The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).] Rignell inexplicitly disclose the features a message; local information comprises a current date; a mail box; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) a message; a mail box was well known in the art, as taught by Labban.

In the same field of endeavor, Labban at the least discloses the feature(s) a message; a mail box (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS in which a mail box would be inherent for the text messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) a message; a mail box, in order to facilitate the ease of use of a cellular telephone

by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban inexplicitly discloses having the feature(s) local information comprises a current date; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) local information comprises a current date was well known in the art, as taught by Brisebois.

As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9), where the system can provide a date to the calling party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) local information comprises a current date, in order to have a method to provide calling and called party context information to help them better decide whether and how to initiate or accept communications, as taught by Brisebois (see col. 1, lines 36-39). The combination of Rignell and Labban inexplicitly discloses having the feature(s) querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the

feature(s) querying the originating party as to whether to display the current location information of said receiving party was well known in the art, as taught by Seppo.

In the same field of endeavor, Seppo at the least discloses the feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Seppo to have the feature(s) querying the originating party as to whether to display the current location information of said receiving party, in order to provide a method for providing a user of a first telephone with the time of day within a geographical area corresponding to a second telephone, as taught by Seppo (see pg. 3, 1st full par.). The combination of Rignell, Labban, and Seppo does not specifically disclose having the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang at the least discloses the features

if the originating party (MS A) indicates that the call or message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B),

determining whether to send an alert signal (e.g., call) to said receiving device based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As further support, Wang at the least further discloses the feature(s) wherein said location information indicating whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4); the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22); querying the originating party as to whether to display the current location information of said receiving party (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois , Seppo, and Wang to have the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile

subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 8**, Rignell discloses a system for providing an originating party of a call or message (e.g., call) with information local to a receiving party of the call or message (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 6, line 60 - col. 7, line 25; Figs. 1-4) comprising:

means for identifying an attempt to originate a call or a message from the originating party (e.g., subscriber A) to a receiving terminal (C) which reads on the claimed "device" of the receiving party (e.g., subscriber C) (see col. 5, lines 5-21);

means for prompting the originating party to decide whether or not to receive information local to the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

means for, upon the originating party deciding to receive the information local to the receiving party, sending a request for the local information to a service provider of the receiving party from a service provider of the originating party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request and information is provided via the system as evidenced by the fact that one of

ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

means for retrieving the information local to said receiving party (C) by the service provider of the receiving party (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device and information is provided via the system,

wherein said local information comprises a current time, date, and location (e.g., time zone or geographic area) of said receiving handheld device (C) and information indicating whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range and where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth as evidenced by the fact that one of ordinary skill in the art would clearly recognized (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4);

means for querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would

clearly recognize whether automatic or a manual operation to provide the requested information;

means for supplying the retrieved local information to the originating party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C),

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query; means for prompting the sending party to select an appropriate action among available actions upon receiving the local information of the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information,

wherein the available actions include connecting the call or message to the receiving party, sending the call or message to a voicemail (e.g., answering machine) or mail box of the receiving party, and disconnecting the call or message (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

See MPEP § 2144.04(III). [In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)…The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the

prior art.).] Rignell inexplicitly disclose the features a message; local information comprises a current date; a mail box; querying the originating party as to whether to display the current location information of said receiving party; means for, if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) a message; a mail box was well known in the art, as taught by Labban.

In the same field of endeavor, Labban at the least discloses the feature(s) a message; a mail box (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS in which a mail box would be inherent for the text messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) a message; a mail box, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban inexplicitly discloses having the feature(s) local information comprises a current date; querying the originating party as to whether to display the current location information of said receiving party; means for, if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received

indication. However, the examiner maintains that the feature(s) local information comprises a current date was well known in the art, as taught by Brisebois.

As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9), where the system can provide a date to the calling party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) local information comprises a current date, in order to have a method to provide calling and called party context information to help them better decide whether and how to initiate or accept communications, as taught by Brisebois (see col. 1, lines 36-39). The combination of Rignell and Labban inexplicitly discloses having the feature(s) querying the originating party as to whether to display the current location information of said receiving party; means for, if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) querying the originating party as to whether to display the current location information of said receiving party was well known in the art, as taught by Seppo.

In the same field of endeavor, Seppo at the least discloses the feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Seppo to have the

feature(s) querying the originating party as to whether to display the current location information of said receiving party, in order to provide a method for providing a user of a first telephone with the time of day within a geographical area corresponding to a second telephone, as taught by Seppo (see pg. 3, 1st full par.). The combination of Rignell, Labban, and Seppo does not specifically disclose having the feature(s) means for, if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) means for, if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang at the least discloses the feature(s) means for, if the originating party (MS A) indicates that the call or message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B),

determining whether to send an alert signal (e.g., call) to said receiving device based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As further support, Wang at the least further discloses the feature(s) wherein said location information indicating whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4); the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber

unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22); means for querying the originating party as to whether to display the current location information of said receiving party (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois , Seppo, and Wang to have the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 9**, Rignell discloses a computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a computer for causing the computer to perform a method for providing an originating party of a call or message (e.g., call) with information local to a receiving party of

the call or message (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, line 6-25; Figs. 1-3) with the steps of:

identifying an attempt to originate a call or a message from the originating party (e.g., subscriber A) to a receiving terminal (C) which reads on the claimed "device" of the receiving party (e.g., subscriber C) (see col. 5, lines 5-21);

prompting the originating party to decide whether or not to receive information local to the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

upon the originating party deciding to receive the information local to the receiving party, sending a request for the local information to a service provider of the receiving party from a service provider of the originating party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request and information is provided via the system as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

retrieving the information local to said receiving party (C) by the service provider of the receiving party (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device and information is provided via the system,

wherein said local information comprises a current time, date, and location (e.g., time zone or geographic area) of said receiving handheld device (C) and information indicating whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range and where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth as evidenced by the fact that one of ordinary skill in the art would clearly recognized (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4);

querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

supplying the retrieved local information to the originating party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C),

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query; prompting the sending party to select an appropriate action among available actions upon receiving the local information of the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information,

wherein the available actions include connecting the call or message to the receiving party, sending the call or message to a voicemail (e.g., answering machine) or mail box of the receiving party, and disconnecting the call or message (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

See MPEP § 2144.04(III). [In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)…The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).] Rignell inexplicitly disclose the features a message; local information comprises a current date; a mail box; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner

maintains that the feature(s) a message; a mail box was well known in the art, as taught by Labban.

In the same field of endeavor, Labban at the least discloses the feature(s) a message; a mail box (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS in which a mail box would be inherent for the text messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) a message; a mail box, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban inexplicitly discloses having the feature(s) local information comprises a current date; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) local information comprises a current date was well known in the art, as taught by Brisebois.

As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9), where the system can provide a date to the calling party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) local information comprises a current date, in order to have a method to provide calling and called party context information to help them better decide whether and how to initiate or accept communications, as taught by Brisebois (see col. 1, lines 36-39). The combination of Rignell and Labban inexplicitly discloses having the feature(s) querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) querying the originating party as to whether to display the current location information of said receiving party was well known in the art, as taught by Seppo.

In the same field of endeavor, Seppo at the least discloses the feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Seppo to have the feature(s) querying the originating party as to whether to display the current location information of said receiving party, in order to provide a method for providing a user of a first telephone with the time of day within a geographical area corresponding to a second telephone, as taught by Seppo (see pg. 3, 1st full par.). The combination of Rignell, Labban, and Seppo does not specifically disclose having the feature(s) if the originating party

indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication. However, the examiner maintains that the feature(s) if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang at the least discloses the feature(s) if the originating party (MS A) indicates that the call or message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B),

determining whether to send an alert signal (e.g., call) to said receiving device based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As further support, Wang at the least further discloses the feature(s) wherein said location information indicating whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4); the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22); querying the originating party as to whether to display the current location information of said receiving party (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which there must be a querying as evidenced by the

fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois , Seppo, and Wang to have the feature(s) if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving device based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 8-9have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. J. D., Jr./

WJD, Jr.
10 October 2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617